

2. This paragraph states a legal conclusion to which no responsive pleading is required. To the extent this paragraph is deemed to contain factual averments, the averments are denied.

III. PARTIES

3. Denied. After a reasonable investigation, Defendants are without sufficient information or knowledge to admit or deny the allegations. Therefore, the allegations are denied.

4. Admitted in part, denied in part. It is admitted that Lotorto was on the property. After a reasonable investigation, Defendants are without sufficient information or knowledge to admit or deny the remaining allegations. Therefore, the allegations are denied.

5. Admitted in part, denied in part. It is admitted that Glunt was on the property. After a reasonable investigation, Defendants are without sufficient information or knowledge to admit or deny the remaining allegations. Therefore, the allegations are denied.

6. (A)-(E). Denied. After a reasonable investigation, Defendants are without sufficient information or knowledge to admit or deny the allegations. Therefore, the allegations are denied.

7. Admitted in part, denied in part. It is admitted that Benson, Ehgartner, and Dunsmore are, or were, employed by the PSP. The remainder of this paragraph

states a legal conclusion to which no responsive pleading is required. To the extent this paragraph is deemed to contain factual averments, the averments are denied.

8. This paragraph is not applicable to PSP Defendants.

9. Denied.

10. This paragraph is not applicable to PSP Defendants.

11. This paragraph is not applicable to PSP Defendants.

IV. FACTUAL ALLEGATIONS

12. Denied.

13. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

14. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

15. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

16. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

17. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

18. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

19. Denied. This paragraph refers to writings that will speak for themselves. Therefore, Plaintiff's characterization thereof is denied.

20. Denied.

21. Denied. By way of further response, any documents on the court docket will speak for itself. Therefore, Plaintiff's characterization thereof is denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied. By way of further response, any documents on the court docket and the Constitution will speak for themselves. Therefore, Plaintiff's characterization thereof is denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied. By way of further response, this paragraph refers to written documents that speak for themselves. Therefore, any characterization thereto by Plaintiffs is denied.

36. Denied. By way of further response, this paragraph refers to written documents that speak for themselves. Therefore, any characterization thereto by Plaintiffs is denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied. By way of further response, this paragraph refers to written documents that speak for themselves. Therefore, any characterization thereto by Plaintiffs is denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

- 69. Denied.
- 70. Denied.
- 71. Admitted.
- 72. Denied.
- 73. Denied.
- 74. Denied.
- 75. Denied.
- 76. Denied.
- 77. Denied.
- 78. Denied.
- 79. Denied.
- 80. Denied.
- 81. Denied.
- 82. Denied.
- 83. Denied.
- 84. Denied.
- 85. Denied.
- 86. Denied.
- 87. Denied.
- 88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

94. Denied.

95. Denied.

96. Denied.

97. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

98. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

99. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

104. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

105. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

106. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

107. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

108. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

109. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

110. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

111. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

112. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

113. Denied.

114. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

115. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

116. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

117. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

118. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

119. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

120. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

121. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

122. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

123. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

124. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

125. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

126. Denied. This paragraph refers to a written document, which speaks for itself. Therefore, any characterization thereto is denied.

127. Denied.

128. Denied.

129. Denied.

130. (a)-(f). Denied.

131. Denied.

132. Denied.

V. CAUSES OF ACTION

COUNT ONE

42 U.S.C. § 1983 (Malicious Prosecution)

Lotorto v. Ehgartner and Benson

Ellen Gerhart v. Dunsmore

133. Defendants incorporate their previous responses to paragraphs 1 through 132 as though set forth at length herein.

134. Denied.

COUNT TWO

**42 U.S.C. § 1983 (False Arrest)
Lotorto v. Ehgartner and Benson
Ellen Gerhart v. Dunsmore**

135. Defendants incorporate their previous responses to paragraphs 1 through 134 as though set forth at length herein.

136. Denied.

137. Denied.

COUNT THREE

**42 U.S.C. § 1983 (Equal Protection)
Elise Gerhart v. Dunsmore**

138. Defendants incorporate their previous responses to paragraphs 1 through 137 as though set forth at length herein.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

COUNT FOUR

**42 U.S.C. § 1983 (First Amendment)
Ellen and Elise Gerhart v. Dunsmore
Lotorto v. Ehgartner and Benson**

144. Defendants incorporate their previous responses to paragraphs 1 through 143 as though set forth at length herein.

145. Denied.

146. Denied.

147. Denied.

148. Denied.

COUNT FIVE

Abuse of Civil Process (Pennsylvania Law)

149. Defendants incorporate their previous responses to paragraphs 1 through 148 as though set forth at length herein.

150. This paragraph is not applicable to Defendants.

151. This paragraph is not applicable to Defendants.

152. This paragraph is not applicable to Defendants.

153. This paragraph is not applicable to Defendants.

COUNT SIX

Nuisance (Pennsylvania Law)

154. Defendants incorporate their previous responses to paragraphs 1 through 153 as though set forth at length herein.

155. This paragraph is not applicable to Defendants.

156. This paragraph is not applicable to Defendants.

157. This paragraph is not applicable to Defendants.

158. This paragraph is not applicable to Defendants.

COUNT SEVEN

Invasion of Privacy (Pennsylvania Law)

159. Defendants incorporate their previous responses to paragraphs 1 through 158 as though set forth at length herein.

160. This paragraph is not applicable to Defendants.

161. This paragraph is not applicable to Defendants.

COUNT EIGHT

Trespass (Pennsylvania Law)

162. Defendants incorporate their previous responses to paragraphs 1 through 161 as though set forth at length herein

163. This paragraph is not applicable to Defendants.

164. This paragraph is not applicable to Defendants.

165. This paragraph is not applicable to Defendants.

WHEREFORE, Defendants specifically deny that Plaintiffs are entitled to any relief or damages, monetary or otherwise, and demands strict proof of all of Plaintiff's factual allegations thereof.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiffs fail to state any claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

If Defendants violated any rights of the Plaintiffs, which is specifically denied, such violations were not arbitrary, willful, intentional, malicious, wanton or reckless.

THIRD AFFIRMATIVE DEFENSE

Defendants acted at all times with the good-faith belief that their conduct was lawful, thus they are immune from liability by virtue of absolute, qualified, official, governmental, state, sovereign or any other immunity.

FOURTH AFFIRMATIVE DEFENSE

Prior to filing the current action Plaintiffs failed to properly exhaust the appropriate administrative remedies made available through the substantive and

procedural provisions applicable to the underlying claims and therefore Plaintiffs are not entitled to any relief requested in the current complaint.

FIFTH AFFIRMATIVE DEFENSE

Parts or all of Plaintiffs' action are barred by the applicable Statute of Limitations.

SIXTH AFFIRMATIVE DEFENSE

Prior to filing this action Plaintiffs failed to take reasonable steps to mitigate any damages which Plaintiffs may have been entitled to and therefore is not entitled to any damages under this action.

SEVENTH AFFIRMATIVE DEFENSE

At no time have Defendants, either individually or in concert with others, deprived or sought to deprive Plaintiffs of any rights, privileges or immunities secured to her by the Constitution or laws of the United States or this Commonwealth.

EIGHTH AFFIRMATIVE DEFENSE

Any actions taken by Defendants were justified, privileged, and reasonable.

NINTH AFFIRMATIVE DEFENSE

The Complaint makes claims for damages, some or all of which are not or may not be legally cognizable or compensable by law.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims may be barred by the doctrines of res judicata and/or collateral estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' complaint is barred by the equitable doctrines of laches, waiver, estoppel, and unclean hands.

TWELFTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs' claims are based upon a theory of vicarious liability, it is unavailable.

THIRTEENTH AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over some or all of Plaintiffs' claims by virtue of the Eleventh Amendment, the laws of the Commonwealth of Pennsylvania, or other law.

Defendants reserve the right to assert additional Affirmative Defenses, as appropriate, as this case moves forward.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

By: s/ Lindsey A. Bedell

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